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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,383	08/06/2003	Clifford H. Beall	274-26393-US	4099
24923	7590	07/21/2005	EXAMINER	
PAUL S MADAN MADAN, MOSSMAN & SRIRAM, PC 2603 AUGUSTA, SUITE 700 HOUSTON, TX 77057-1130			GAY, JENNIFER HAWKINS	
		ART UNIT		PAPER NUMBER
				3672

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/635,383	BEALL, CLIFFORD H.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jennifer H. Gay	3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date: ____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>8/6/03, 2/24/04</u> .	6) <input type="checkbox"/> Other: ____

## **DETAILED ACTION**

The Preliminary Amendment filed 22 March 2005 has been entered and considered with the Office Action below.

### ***Specification***

1. The disclosure is objected to because of the following informalities:
  - In line 2 of paragraph [0034] “An” should be changed to --an--.
  - On page 13, the paragraph starting with line 5 does not include a paragraph number. Further, the majority of the references numbers in that paragraph have not been bolded to match the reference numbers throughout the remainder of the specification.

Appropriate correction is required.

### ***Claim Clarification***

2. The preamble of claims 1 and 9 recites “A locking apparatus that is releasably securable within a landing nipple of a tubing string...” with the landing nipple recited merely as an intended use. However, the body of the claim contains positive recitation of the landing nipple receptacle, a feature of a landing nipple. Consequently, it cannot be determined whether Applicant intends to claim the subcombination of the locking apparatus or the locking apparatus in combination with the landing nipple.

In formulating an evaluation on the merits, the Examiner is considering that the claims are drawn to the combination and the claims will be rejected accordingly. If the applicant indicates by amendment that the combination claim is the intention, the language in the preamble should be made consistent with the language of the body of the claims. If the intent is to claim the subcombination, then the body of the claim must be amended to remove positive recitation of the combination. Applicant’s intentions in the regard must be clearly established by the claim language.

***Claim Objections***

3. Claim 15 is objected to because of the following informalities: "a tubing string" in line 3 of claim 15 should be changed to --the tubing string--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 9 are considered to be indefinite because the claims indicate that the packing seal is retained upon the inner mandrel while the drawings and specification show that the packing seal itself is located on a separate mandrel that is located on the inner mandrel. It is not clear how the packing seal can be located on an inner mandrel and still be urged into sealing engagement with the tubing string. For the purposes of examination, the examiner is assuming that applicant intended to state that a packing seal mandrel is located on the inner mandrel where the packing seal mandrel includes a packing seal.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Canalizo (US 3,856,081).

*Regarding claims 1, 9:* Canalizo discloses a locking apparatus **20** that is releasably securable within a landing nipple **22** of a tubing string **23**. The locking apparatus includes the following features:

- A tool housing that includes an inner mandrel 32.
- A locking member 52 that is radially moveable with respect to the tool housing and selectively disposable into the landing nipple to secure the locking apparatus within the tubing string.
- A packing seal mandrel 31 retained upon the inner mandrel where the packing seal mandrel includes a packing seal 43 that is expandable.
- A loading member 50 associated with the tool housing for selectively loading the packing seal to urge the seal into sealing engagement with the tubing string (7:25-30).

*Regarding claims 2, 16:* The tool housing is interconnectable with well control tools (4:50-55).

*Regarding claims 3, 10:* The loading member is actuated to compress the packing seal by axially translation of the inner mandrel and the tool housing relative the each other (7:25-30).

*Regarding claims 4, 5, 11, 12:* The packing seal is a stack of chevron seals.

*Regarding claims 6, 9:* The apparatus includes a locking dog cage 64 and the locking member includes a locking dog 52 that is urged radially outwardly through a slot in the locking dog cage.

*Regarding claims 7, 14:* The loading member is a ram end 50 of the locking dog cage.

*Regarding claims 8, 13:* The packing seal also includes a dynamic seal 44.

*Regarding claim 15:* Canalizo further discloses a method for securing the above locking apparatus within the tubing string. The method involves disposing the locking apparatus within the tubing string adjacent the landing nipple, moving the locking member radially outwardly into locking engagement with the landing nipple, loading the packing seal to urge the packing seal into seal engagement with the tubing string.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

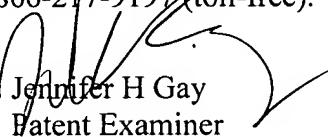
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The remaining references made of record disclose various wellbore locking devices.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer H. Gay whose telephone number is (571) 272-7029. The examiner can normally be reached on Monday-Thursday, 6:30-4:00 and Friday, 6:30-1:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jennifer H Gay  
Patent Examiner  
Art Unit 3672

JHG   
July 18, 2005